

**AMENDMENTS TO THE CLAIMS:**

This listing of claims will replace all prior versions, and listings, of claims in the application:

**LISTING OF CLAIMS:**

Claim 1 (Currently Amended): An isolated nucleic acid consisting of [[a]] the nucleotide sequence set forth in SEQ ID NO: 2 or SEQ ID NO: 22.

Claim 2 (Currently Amended): An isolated nucleic acid of Claim 1 further comprising [[A]] a primer for the detection of a CMV-resistant plant, which comprises a consecutive nucleotide selected from a nucleotide sequence set forth in SEQ ID NO: 23 to SEQ ID NO: 28.

Claim 3 (Canceled).

Claim 4 (Previously Presented): A kit for the detection of CMV-resistant plant, which comprises the nucleic acid of Claim 1.

Claim 5 (Previously Presented): A method for the detection of a CMV-resistant plant, comprising the step of analyzing the genomic DNA of a plant in the presence of the nucleic acid of Claim 1.

Claim 6 (Original): The method of Claim 5, wherein the analysis is performed by any one method selected from the group consisting of RFLP (restriction fragment

length polymorphism), RAPD (randomly amplified polymorphic DNA), DAF (DNA amplification fingerprinting), AP-PCR (arbitrarily primed PCR), STS (sequence tagged site), EST (expressed sequence tag), SCAR (sequence characterized amplified regions), ISSR (inter-simple sequence repeat amplification), AFLP (amplified fragment length polymorphism), CAPS (cleaved amplified polymorphic sequence) and PCR-SSCP (PCR-single strand conformation polymorphism).

Claim 7 (Original): The method of Claim 5, wherein the plant is selected from the group consisting of cucumber, watermelon, red pepper, melon, Chinese cabbage, tobacco, Petunia, cotton, and rose.

Claim 8 (Previously Presented): A method for determining the genotype of a CMV-resistant plant, comprising the step of analyzing the genomic DNA of a plant in the presence of the nucleic acid of Claim 1.

Claim 9 (Original): The method of Claim 8, wherein the analysis is performed by any one method selected from the group consisting of RFLP (restriction fragment length polymorphism), RAPD (randomly amplified polymorphic DNA), DAF (DNA amplification fingerprinting), AP-PCR (arbitrarily primed PCR), STS (sequence tagged site), EST (expressed sequence tag), SCAR (sequence characterized amplified regions), ISSR (inter-simple sequence repeat amplification), AFLP (amplified fragment length polymorphism), CAPS (cleaved amplified polymorphic sequence), and PCR-SSCP (PCR-single strand conformation polymorphism).

Claim 10 (Original): The method of Claim 8, wherein the plant is selected

from the group consisting of cucumber, watermelon, red pepper, melon, Chinese cabbage, tobacco, Petunia, cotton, and rose.

Claim 11 (Withdrawn): A CMV-resistant plant which reproduces asexually by tissue culture and comprises a nucleic acid consisting of a nucleotide sequence set forth in SEQ ID NO: 2 or SEQ ID NO: 22.

Claim 12 (Withdrawn): The CMV-resistant plant of Claim 11, wherein the plant is selected from the group consisting of cucumber, watermelon, red pepper, melon, Chinese cabbage, tobacco, Petunia, cotton, and rose.

Claim 13 (Withdrawn): A seed which is obtained from the CMV-resistant plant of Claim 11 and comprises a nucleic acid consisting of a nucleotide sequence set forth in SEQ ID NO: 2 or SEQ ID NO: 22.

Claim 14 (Currently amended): A kit for the detection of CMV-resistant plant, which comprises the [[primer]] isolated nucleic acid of Claim 2.

Claims 15 - 16 (Canceled).

Claim 17 (Withdrawn): A seed which is obtained from the CMV-resistant plant of Claim 12 and comprises a nucleic acid consisting of a nucleotide sequence set forth in SEQ ID NO: 2 or SEQ ID NO: 22.